

ORIGINAL

BILL NO. R-73-10-43

RESOLUTION NO. R- 95-73

A RESOLUTION transferring certain funds from Account No. 85 Park General Fund to Account No. 85-2-261 Miscellaneous Contractual Services.

WHEREAS, there are insufficient funds in Account No. 85-2-261 Miscellaneous Contractual Services, for the year 1973, due to the demolishing of and removing of debris from the burned Franke Park Theatre and due to replacing items stored in this building; and

WHEREAS, there are sufficient funds in Account No. 85 Park General Fund; and

WHEREAS, reimbursement for these expenditures has been included in the insurance indemnities totaling \$119,859, received and receipted into the Park General Fund as compensation for this fire loss.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

That the following sum is hereby transferred from the following account:

Account No. 85 Park General Fund \$10,600

To:

Account No. 85-2-261 Miscellaneous Contractual Services.

William T. Shiga
Councilman

APPROVED AS TO FORM
AND LEGALITY

Robert A. ...
CITY ATTORNEY

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: _____

CITY CLERK

Read the third time in full and on motion by See attached Letters Kinga, seconded by V. Schmidt, and duly adopted, placed on its passage.

Passed (~~Lost~~) by the following vote:

	AYES <u>8</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT <u>1</u> to-wit:
BURNS	<u>✓</u>	_____	_____	_____
HINGA	<u>✓</u>	_____	_____	_____
KRAUS	_____	_____	_____	<u>A</u>
MOSES	<u>✓</u>	_____	_____	_____
NUCKOLS	<u>✓</u>	_____	_____	_____
SCHMIDT, D.	<u>✓</u>	_____	_____	_____
SCHMIDT, V.	<u>✓</u>	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____

DATE: 10-23-73

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution) No. B-95-73 on the 23rd day of October, 1973.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 197_____, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 197_____, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

Date October 15, 1973

TO THE CITY CONTROLLER:

The Department of Public Parks
(Department)

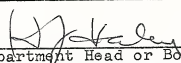
requests that an appropriation ordinance be prepared and submitted to the City Council authorizing the transfer of \$ 10,600 from

Account No. 85 Title Park General Fund to

Account No. 85-2-261 Title Miscellaneous Contractual Services

Reason for Transfer There are insufficient funds in Account 85-2-26.

Miscellaneous Contractual Services for the year 1973. Funds have been expended
during the year to demolish and remove debris from the burned Franke Theatre
building and to replace items stored in this building. Reimbursement for
these expenditures has been included in the insurance indemnities totaling
\$119,859, received and receipted into the Park General Fund as compensation for
this fire loss.


Department Head or Board Member

Directions -- Departments requesting transfer of funds from one account to another, or for the appropriation of funds from the unexpended balance of the General Fund must fill out this form in duplicate, and send both the original and one copy to the Controller's Office. It is suggested that a third copy be made and retained by the department originating the request. The Controller's office will retain one copy of the form and send the other to the City Attorney which will be his authorization to prepare the appropriation ordinance. Please send the request for transfer of funds to the Controller as early as possible, and at least one week should be allowed for the City Attorney to prepare the appropriation ordinance and the City Clerk to enroll it for the next Council meeting.

City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Councilmen and Mayor Date October 25, 1973
From Charles W. Westerman, City Clerk
Subject R-73-10-43 (Bill Passed in Error)

COPIES TO:

William M. Burns
William T. Hinga
Gene Kraus, Jr.
Wesley C. Moses, Jr.
John Nuckols
Wald J. Schmidt
Brian G. Schmidt
James S. Stier
Wesley J. Talarico
For Ivan A. Lebamoff
Edward Kamnikar
Dave Keller
John Logan

To Whom it may concern:

I, the City Clerk of Fort Wayne, on October 23, 1973, have informed the Mayor and the Controller of the City of Fort Wayne that the Common Council is being duly notified that Bill No. R-73-10-43 was found to be acted upon in error, because of the following reasons:

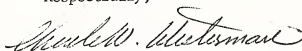
This bill so described transfers appropriated money that requires an appropriation action, and an Ordinance properly drawn and described as an Appropriation Ordinance or a General Ordinance that would be treated as an appropriation transferal action. I, hereby state that said Resolution passed would be in violation of a State Law. The Controller concurs in this action related to Bill No. R-73-10-43.

I further requested that the Mayor withhold his approval to the Resolution at this time.

Said Bill No. R-73-10-43, after properly prepared, should be reintroduced at our November 13, 1973, Common Council Regular Session. The Chairman of the Finance Committee then and there should declare a public hearing to be held on November 27, 1973, then I, the Clerk, will so publish said order of public hearing on said Ordinance with a 10 day notice to the general public. If the Finance Committee returns the bill to the Common Council with their recommendation on November 27, 1973, said bill can then be placed in line for passage.

Therefore, I, Charles W. Westerman, City Clerk of Fort Wayne, hereby serve this communication to the nine duly elected members of the Common Council, the Mayor of the City of Fort Wayne, Ivan A. Lebamoff, the City Attorney, Dave Keller, and the Controller, Edward Kamnikar, and request that the respected body of officials of Fort Wayne concur in my action and void the action taken on the 23rd day of October, 1973, Regular Session of Common Council, related to the above bill.

Respectfully,



Charles W. Westerman
City Clerk

To Charles W. Westerman, City Clerk Date 10/26/73
From Mayor Ivan A. Lebamoff
Subject R-73-10-43 (Bill Passed in Error)

COPIES TO:

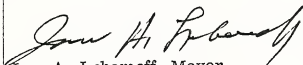
Dear Mr. Clerk:

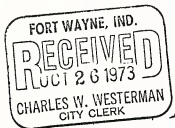
I received your Memo of October 25, 1973 regarding the above captioned matter.

Please be advised that I have complied with your request and I have withheld my approval to this Resolution.

I shall be pleased to sign this Bill after the legal technicalities are fully taken care of to your satisfaction.

Congratulations to you and your staff for discovering this error.


Ivan A. Lebamoff, Mayor
ddc



DIGEST SHEET

✓
B-73-10-43

TITLE OF ORDINANCE _____

DEPARTMENT REQUESTING ORDINANCE Department of Public Parks

SYNOPSIS OF ORDINANCE Transfer of \$10,600 from Account No. 85 Park General
Fund to Account No. 85-2-261 Miscellaneous Contractual Services.

EFFECT OF PASSAGE Provide sufficient funds to cover expenses

in this account for the remainder of the year and permit the utilization of
funds received as reimbursement for out-of-pocket expenditures relative to the
theatre fire loss.

EFFECT OF NON-PASSAGE Would not have sufficient funds to cover necessary
expenses in this account for the remainder of the year and not be able to utilize
insurance funds received as reimbursement for out-of-pocket expenses connected
with the theatre fire loss.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \$10,600

ASSIGNED TO COMMITTEE (J.N.) Finance